

US Application No. 10/666082
Reply to Office action of 7/25/05

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Non-elected claims 4 and 5 are canceled herein without prejudice or disclaimer. Claims 3 and 8 are canceled herein without prejudice or disclaimer. New claim 10 is added, and is supported by original claims 1 and 3. Claims 1, 2, 6, 7 and 10 are pending.

Applicants request that the amendment filed on October 10, 2005, which was denied entry as indicated in the Advisory Action mailed October 25, 2005, not be entered with the Request for Continued Examination filed herewith.

The amendments to the claims are supported by the original disclosure, for example page 20, line 19 to page 21, line 2; page 23, lines 1- 6; and Figure 5.

Claims 1-3 and 6-8 are rejected as being unpatentable over Ito et al. (US 6,470,770) in view of Kobayashi et al (US 6,857,494). Applicants respectfully traverse.

Ito et al. and Kobayashi et al. do not teach or suggest the features recited in claims 1 and 6. Particularly, Ito et al. and Kobayashi et al. do not teach or suggest an axis of the speed change driving shaft being set to a position higher than the axis of the hydrostatic continuously variable transmission and the axis of the speed change driving shaft being disposed inside of an acute angle defined by a line segment passing through the axis of the hydrostatic continuously variable transmission and the axis of the crankshaft and the axial line of the cylinder block.

In Ito et al., the axial line of the cylinder block is CO (Figure 1 of Ito et al.) In addition, Figure 1 of Ito et al. shows an axis 02 of a speed change driving shaft 64, an axis 01 of transmission shaft 43, and an axis 03 of a crankshaft 5 (see, for example, column 7, lines 55-61; and column 8, lines 1-18). As evident from Figure 1, the axis 02 of the shaft 64 is below the axis 01 of the transmission shaft 43, and the axis 02 is not disposed inside of an acute angle defined by a line segment passing through the axis 01 and the axis 03, and the axial line CO. The angle A indicated by the Examiner in the Advisory Action mailed October 25, 2005 is not an acute angle.

US Application No. 10/666082
Reply to Office action of 7/23/05

Kobayashi et al. does not provide what is missing from Ito et al. Kobayashi et al. does not disclose the position of the axis of the speed change driving shaft or the relationship between the axes as claimed.

Therefore, Applicants respectfully submit that claims 1 and 6 are patentable over Ito et al. and Kobayashi et al. either alone or in combination. Claims 2 and 7 depend upon claims 1 and 6, respectively, and are patentable over the references cited for at least the same reasons with respect to claims 1 and 6, and need not be separately distinguished. Applicants, however, reserve the right to submit additional arguments as to any of claims 2 and 7 at a later date.

New claim 10 is patentable over Ito et al. and Kobayashi et al. as neither reference, as discussed above for claims 1 and 6, teaches or suggests an axis of the speed change driving shaft being set to a position higher than the axis of the hydrostatic continuously variable transmission and the axis of the speed change driving shaft being disposed inside of an acute angle defined by a line segment passing through the axis of the hydrostatic continuously variable transmission and the axis of the crankshaft and the axial line of the cylinder block.

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. 29,165, at (612) 455-3802.



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Respectfully submitted,

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